

ADVISORY OPINION 97-004

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121.135(4).

May 1, 1997

Mr. Tony Miller  
P.O. Box 2585  
Louisville, Kentucky 40201-2585

Dear Mr. Miller:

This is in response to your request for an advisory opinion regarding whether contributions received from contributors to your 1995 committee for Mayor would be cumulated for purposes of contribution limits with contributions received from those same contributors by your current committee. You state that you terminated your 1995 committee and filed a final report on August 17, 1995 and that you filed your current committee registration with the Kentucky Registry of Election Finance ("Registry") on February 1, 1997.

KRS 121.015(2) defines an "election" as:

[A]ny primary, runoff primary, regular, or special election to fill vacancies regardless of whether a candidate or slate of candidates is opposed or unopposed in an election. Each primary, runoff primary, regular, or special election shall be considered a separate election.(emphasis supplied)

KRS 121.015(8) defines a "candidate" as:

[A]ny person who has received contributions or made expenditures, has appointed a campaign treasurer, designated a campaign depository, or given their consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination or election to public office, except federal office;

Although you did not file a petition for nomination as Mayor in 1995, as the special election did not occur, you became a "candidate" pursuant to KRS 121.015(8) by appointing a treasurer, receiving contributions, and expending funds with a "view toward running for office". KRS 121.015(2) designates each "primary, runoff primary, regular, or special election" as a separate election, and the contribution limits per contributor of KRS 121.150(6) apply to "any one (1) election" as well.(emphasis supplied) Therefore, contributions and expenditures during 1995 were attributable to the anticipated 1995 special election. Your termination of the committee and distribution of unexpended funds, if any, in accordance with KRS 121.180(10) officially closed your previous committee. Consequently, contributions received after establishing your present committee on February 1, 1997 are limited to \$1000.00 per contributor for the 1998 primary election.

If you have further questions, please contact the Registry at (502) 573-2226.

Sincerely,

Rosemary F. Center  
General Counsel

RFC/jlw